

401 KAR 63:031 Leaks from gasoline tank trucks.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality

Relates to: KRS Chapter 224

Pursuant to: KRS 13.082, 224.033

Necessity and Function: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the control of volatile organic compound emissions from leaks from gasoline tank trucks.

Section 1. Applicability.

- (1) The provisions of this regulation shall apply to each affected facility which loads or unloads gasoline on or after November 1, 1982.
- (2) The provisions of this regulation shall not apply to affected facilities which are subject to the regulations of a local air pollution control district within the Commonwealth of Kentucky which have been approved by the department and the U.S. EPA.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the meaning given to them in 401 KAR 50:010, 401 KAR 61:055, 401 KAR 61:056, and 401 KAR 61:085.

- (1) "Affected facility " means gasoline tank trucks that are equipped for vapor collection and which load or unload at bulk terminals regulated by 401 KAR 59:010 or 401 KAR 61:055, bulk plants in urban counties regulated by 401 KAR 59:101 or 401 KAR 61:056, and service stations regulated by 401 KAR 59:175 or 401 KAR 61:085.
- (2) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mmHg at conditions of twenty (20) degrees Celsius and 760 mm Hg.
- (3) "LEL" means lower explosive limit, measured as propane.
- (4) "Kentucky pressure-vacuum test sticker" means a sticker which is issued each year by the department, in accordance with the provisions of Section 5, to the owner or operator of a gasoline tank truck subject to this regulation or which may be issued by a local air pollution control district within the Commonwealth of Kentucky with an equivalent regulation approved by the department and the U.S. EPA. This sticker indicates the compliance of the gasoline tank truck as witnessed by the department with the standard in Section 3(1) or compliance with a program determined equivalent by the department but administered by another state in which the gasoline tank truck is based.

Section 3. Standard for volatile organic compounds.

- (1) No owner or operator of a gasoline tank truck subject to this regulation shall allow loading or unloading unless the gasoline tank truck has a valid Kentucky pressure-vacuum test sticker attached and visibly displayed. This sticker indicates that the gasoline tank truck and its vapor collection system have been tested as having a pressure change of no more than seventy-five (75) mm water (three (3) in. water) in five (5) minutes when pressurized to 450 mm water (eighteen (18) in. water)

or evacuated to 150 mm water (six (6) in. water) using the test procedure referenced in Section 4. The sticker shall be attached to the tank, located near the Department of Transportation Certification plate, and clearly visible.

- (2) During loading or unloading operations at regulated service station, bulk plants in urban counties and bulk terminals, there shall be no reading greater than or equal to 100 percent of the lower explosive limit (LEL, measured as propane) at a distance of 2.5 centimeters around the perimeter of a potential leak source as detected by a combustible gas detector using the test procedure referenced in Section 4.
- (3) During loading or unloading at service stations, bulk plants in urban counties and bulk terminals, there shall be no avoidable visible liquid leaks.

Section 4. Compliance.

- (1) The test procedure as defined in Appendix A to "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems" (OAQPS 1.2-119, U.S. EPA, Office of Air Quality Planning and Standards), filed by reference in 401 KAR 50:015, or an equivalent procedure approved by the department shall be used to determine compliance with the standard prescribed in Section 3(1). The owner or operator of the tank truck shall have the tank truck tested annually in the presence of a representative from the department and shall maintain records of test data, date of testing, identification of tank truck, type of repair, retest data and date. Records shall be maintained by the owner or operator for two (2) years after the date of testing and made available upon request to the department. The owner or operator of a gasoline tank truck shall provide the department ten (10) working days prior notice of the test to enable the department to have an observer present.
- (2) The test procedure as defined in Appendix B to "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems" (OAQPS 1.2-119, U.S. EPA, Office of Air Quality Planning and Standards), filed by reference in 401 KAR 50:015, or an equivalent procedure approved by the department shall be used to determine compliance with the standard prescribed in Section 3(2) during inspections conducted pursuant to KRS 224.033(10). Trucks with leaks greater than or equal to 100 percent of the LEL shall be repaired and shall pass the pressure and vacuum test described in Section 3(1) within fifteen (15) days.

Section 5. Sticker Application and Fee.

- (1) The owner or operator of a gasoline tank truck subject to this regulation shall apply to the department each year for a sticker. Applications shall be made on forms prepared by the department for such purpose. Applications shall be signed by the corporate president or by another duly authorized agent of the corporation; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the source owner or operator; or, in the case of political subdivisions, by the highest executive or official of such subdivision. Such signature shall constitute personal affirmation that the statements made in the application are true and complete. Failure to supply information required or deemed necessary by the department shall result in denial of the application. The department shall deny an application if the applicant willfully makes material misstatements in the application. Applications shall be received by the department at least fifteen (15) working days before a

test.

- (2) Any owner or operator who submits an application for a sticker shall include with the application a certified check or money order in the amount of the sticker fee assessed by the department, payable to the Kentucky State Treasurer. The sticker fee for each gasoline tank truck is seventy dollars (\$70) per year. Retests on current applications for obtaining a sticker shall not require additional applications or fees. The fee is ten dollars (\$10) for each gasoline tank truck which is in compliance with a program determined equivalent by the department, but administered by another state in which the gasoline tank truck is based. The provisions of 401 KAR 50:035 and 401 KAR 50:036 shall not apply to the owner or operator of a gasoline tank truck subject to this regulation. Sticker fees are not refundable if a sticker is denied or an application is withdrawn. Fees are payable at the time of application.
- (3) Provisions of subsection (2) of this section shall not apply to publicly owned affected facilities.

Effective date: February 8, 1993.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	SEP 24, 1982	MAR 30, 1983	48 FR 13168
1st Revision	FEB 17, 1993	JUN 23, 1994	59 FR 32343